

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT**

\_\_\_\_\_  
ALICE H. ALLEN, et al.,

Plaintiffs,

v.

\_\_\_\_\_  
DAIRY FARMERS OF AMERICA, INC.,  
DAIRY MARKETING SERVICES, LLC,  
and DEAN FOODS COMPANY,

Defendants.

Civil Action No. 5:09-CV-00230

**DECLARATION OF HAROLD HOWRIGAN, JR IN SUPPORT OF MOTION TO  
INTERVENE AND OBJECTION TO APPROVAL OF PROPOSED CLASS  
SETTLEMENT**

I, Harold Howrigan, Jr, make the following declaration based upon personal knowledge of the matters set forth here.

1. I was born and raised on a dairy farm and my family has been farming for seven generations. I have been actively involved in the farming business myself for 32 years. In 1991, our family formed a corporation – HJ & A. Howrigan & Sons. Currently, myself, brothers Lawrence, Michael, our mother, Anne and our families operate three farms Fairfield, Vermont. I also have three grown sons, Brendan, Harold Howrigan III, and Adam on the farm with three nephews ready to join the farm full time soon.

2. I currently milk approximately 275 cows on my farm with an additional 200 young stock. Between all three farms we milk approximately 750 cows and have an additional 600 young stock. Together we farm approximately 1,000 acres of land. We have steadily

increased the size of our herd to produce more volume in order to keep up with the rising expenses.

3. I produce approximately 5,500,000 lbs of milk each year on my farm, and collectively we produce approximately 15,000,000 lbs per year. Our milk is picked up every day at all three farms.

4. At my farm I have a 2000 gallon tank, just enough room for one day's milk, which is why I need to get picked up daily along a dirt road. To add another 2000 gallon tank would cost around \$25,000.

5. Collectively, we have 6 full time employees plus 9 family members and some part-time help working on the farms.

6. All of our milk is pooled in Federal Order 1.

7. We are a member of the St. Albans Cooperative and have been for many years. Approximately 1 year ago I became a director of St. Albans and continue to serve in that capacity. As a director, I (along with my fellow Directors) am responsible for the general oversight of the coop's business operations. The Board of Directors meets on a monthly basis to review the financial performance of the coop and to provide input on important business decisions.

8. The St. Albans Cooperative Creamery is a farmer-owned, member governed dairy coop that is committed to providing stable markets at a fair price for all our members milk. As coops market large volumes of milk they can negotiate higher prices while creating efficiencies in transportation and other services for our customers.

9. The St. Albans Coop also makes sure I get picked up daily, which I need, and that there is always a market for my milk.

10. My coop also lobbys on behalf of farmers and provides valuable services such as employee and individual insurance, a member owned store and purchase programs for farm supply products, zero % on fertilizer and grain. The coop also provides lab tests for my milk and quality control, services that if I operated independently I would have to contract for separately at additional cost. It also offers a forward contracting program for our members.

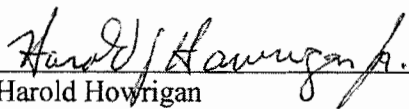
11. I am aware of Dean's Proposed Settlement with the Plaintiffs in this lawsuit. As I understand it, the deal would drive a stake into the unity of farmers and there is no way that the Plaintiffs and their lawyers represent my interests.

12. Any minimal settlement funds is not worth the risk of instability to the market if Dean reduces its purchase of milk through DMS by 10-20%, which is 30 to 60 million pounds of milk per month. There is a significant question about where the coops would be able to market that milk if Dean is not buying it. I am concerned that farms in the back hills on dirt roads will get pushed down to lower prices while bigger farms with better road access could take advantage of the new situation, pitting farmer against farmer. Also, if Dean goes outside DMS and gets milk cheaper, that would bring down Class 1 prices for everyone. Even a slight decrease in milk prices of say 5 cents/cwt would offset the settlement payment. The minimal funds Dean has offered is not worth the risk to the market.

13. Given the harm that this settlement will have, I do not believe that the Plaintiffs or their lawyers are representing my interests because they would have understood these risks that make the proposed settlement a bad deal. We choose to sell our milk through DMS because we believe that coops working together through DMS helps dairy farmers get a better price for their milk and market their milk at lower cost. I don't want the class representatives and lawyers who represent me to agree to give away DMS' sales to other dairy farmers.

*[signature on following page]*

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on January, 16, 2011, in Fairfield VT.

  
Harold Howrigan